

**Maine Revised Statutes**  
**Title 14: COURT PROCEDURE -- CIVIL**  
**Chapter 504: UNIFORM FRAUDULENT TRANSFER ACT**

**§3575. TRANSFERS FRAUDULENT AS TO PRESENT AND FUTURE CREDITORS**

**1. Fraudulent transfer.** A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

- A. With actual intent to hinder, delay or defraud any creditor of the debtor; or [1985, c. 641, §3 (NEW) .]
- B. Without receiving a reasonably equivalent value in exchange for the transfer or obligations and the debtor:
  - (1) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or
  - (2) Intended to incur, or believed or reasonably should have believed that he would incur, debts beyond his ability to pay as the debts became due. [1985, c. 641, §3 (NEW) .]

[ 1985, c. 641, §3 (NEW) .]

**2. Determination of actual intent.** In determining actual intent under subsection 1, paragraph A, consideration may be given, among other factors, to whether:

- A. The transfer or obligation was to an insider; [1985, c. 641, §3 (NEW) .]
- B. The debtor retained possession or control of the property transferred after the transfer; [1985, c. 641, §3 (NEW) .]
- C. The transfer or obligation was disclosed or concealed; [1985, c. 641, §3 (NEW) .]
- D. Before the transfer was made or obligation was incurred, the debtor sued or threatened with suit; [1985, c. 641, §3 (NEW) .]
- E. The transfer was of substantially all the debtor's assets; [1985, c. 641, §3 (NEW) .]
- F. The debtor absconded; [1985, c. 641, §3 (NEW) .]
- G. The debtor removed or concealed assets; [1985, c. 641, §3 (NEW) .]
- H. The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred; [1985, c. 641, §3 (NEW) .]
- I. The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred; [1985, c. 641, §3 (NEW) .]
- J. The transfer occurred shortly before or shortly after a substantial debt was incurred; and [1985, c. 641, §3 (NEW) .]
- K. The debtor transferred the essential assets of the business to a lienor who had transferred the assets to an insider of the debtor. [1985, c. 641, §3 (NEW) .]

[ 1985, c. 641, §3 (NEW) .]

**SECTION HISTORY**

1985, c. 641, §3 (NEW) .

---

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 127th Maine Legislature and is current through October 1, 2016. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--